



WEB COPY



W.P.No.20068 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20068 of 2019

M.Kumar

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.
4th Floor, CMDA Tower – II,
Egmore, Chennai -8.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Salem.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Vellore – 1.
4. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Arakkonam Division,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records



W.P.No.20068 of 2019

pertaining to the order made in Na.Ka.No. A3/ 681/ (iii) C.V./ 19 dated 20.06.2019, issued by the 4th Respondent and quash the same and subsequently directing the respondents to regularize the period of suspension from 15.07.2013 to 17.07.2018 as continuous service and to pay the backwage for the said period with all other attendant benefits.

For Petitioner : Mr.Pugazhenth G.

For Respondents : Mr.K.Bala Krishnan
for TASMACH

ORDER

The order dated 20.06.2019, rejecting the claim of the writ petitioner, for regularising the period of his suspension as continuous service and pay back wages, is under challenge in the present writ petition.

2. The writ petitioner was working as a Shop Supervisor in the Tamil Nadu State Marketing Corporation Limited (TASMAC). It is not in dispute that the petitioner was appointed on contract basis as a temporary employee and he was placed under suspension on initiation of disciplinary proceedings with reference to the allegation found out during the surprise inspection, conducted by the authorities.



W.P.No.20068 of 2019

WEB COPY

3. An enquiry was conducted and the petitioner was dismissed from service. Subsequently the petitioner filed a writ petition in WP.No.26031 of 2014, and this Court passed an order on 27.11.2017, setting aside the order of punishment of dismissal from service and remitted the matter back to the disciplinary authority for conducting proper enquiry by affording opportunity to the writ petitioner. Thereafter, a decision was taken by the competent authorities and the petitioner was reinstated in service. The grievance of the writ petitioner is that the back wages due to him, were not paid, and so also the period of his suspension was not regularised as continuous service.

4. In the context of the services of the writ petitioner, he was a contract employee, appointed on temporary basis. He was not working during the interregnum period and therefore, the petitioner is not entitled to claim back wages. “No work no pay” principle is to be applied in such circumstances where a contract employee was not in service.

5. In the present case, the authorities themselves can reconsider the punishment imposed on the petitioner and reinstate him in service. More



W.P.No.20068 of 2019

so, the petitioner is continuing as a contract employee on temporary basis,

and therefore, the relief as such sought, deserves no merit consideration.

Consequently, this Court does not find any infirmity in respect of the order impugned passed by the respondents.

6. Accordingly, the writ petition stands **dismissed**. There shall be no order as to costs.

28.11.2022

Index : Yes

Speaking order
sha

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.
4th Floor, CMDA Tower – II,
Egmore, Chennai -8.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., Salem.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd., Vellore – 1.
4. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Arakkonam Division, Vellore District.



WEB COPY



W.P.No.20068 of 2019

S.M.SUBRAMANIAM.J.,

sha

W.P.No.20068 of 2019

28.11.2022